

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HARVEY OTTOVICH, MARK OTTOVICH,  
and the HARVEY G. OTTOVICH  
REVOCABLE LIVING TRUST,

Plaintiffs,

No. C 10-02842 WHA

v.

CHASE HOME FINANCE, LLC,  
WASHINGTON MUTUAL INC., and  
JP MORGAN CHASE BANK NA,

Defendants.

**FINAL PRETRIAL ORDER  
AND ORDER OF REFERRAL  
TO MAGISTRATE JUDGE  
FOR MEDIATION**

**FOR GOOD CAUSE** and after a final pretrial conference, the Court issues the following final pretrial order:

1. This case shall go to a **JURY TRIAL** on **SEPTEMBER 6, 2011**, at **7:30 A.M.**, and shall continue until completed on the schedule discussed at the conference. The issues to be tried shall be those set forth in the joint proposed pretrial order except to the extent modified by order *in limine*. This final pretrial order supersedes all the complaint, answer and any counterclaims, cross-claims or third-party complaints, *i.e.*, only the issues expressly identified for trial remain in the case.

2. A separate order will memorialize the rulings on the motions *in limine*.

3. Except for good cause, each party is limited to the witnesses and exhibits disclosed in the joint proposed final pretrial order less any excluded or limited by an order

1 *in limine*. Materials or witnesses used solely for impeachment need not be disclosed and may  
2 be used, subject to the rules of evidence.

3 4. The stipulations of facts set forth in the joint proposed final pretrial order are  
4 approved and binding on all parties.

5 5. A jury of **SIX PERSONS** (with two alternates) shall be used.


6 6. Each side shall have **FIVE HOURS** to examine witnesses (counting direct  
7 examination, cross-examination, re-direct examination, re-cross examination, etc.).  
8 Opening statements and closing arguments shall not count against the limit. If, despite being  
9 efficient, non-duplicative, and non-argumentative in the use of the allotted time, one side runs  
10 out of time and it would be a miscarriage of justice to hold that side to the limit, then more time  
11 will be allotted. Counsel for each side shall have up to 30 minutes for their opening statement.

12 7. The parties shall follow the Court's current *Guidelines for Trial and*  
13 *Final Pretrial Conference*, separately provided and available on the Internet at  
14 <http://www.cand.uscourts.gov>, which guidelines are incorporated as part of this order.

15 8. This matter is referred to Magistrate Judge Nathanael Cousins for mediation.  
16 Judge Cousins will hold a settlement conference on **FRIDAY, AUGUST 26, 2011**.

17  
18 **IT IS SO ORDERED.**

19  
20 Dated: August 16, 2011.

21   
22 \_\_\_\_\_  
23 WILLIAM ALSUP  
24 UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28